

REMARKS

Claims 1-29 are pending in this application. Claims 5, 13, 21, and 29 have been amended in this response, but only as to matters of form in the correction of typing errors, and not on the basis of substance. All of the claims have been rejected. The rejections of the claims are respectfully traversed based on the reasoning explained below.

Traverse of Rejection Based on *Malik*

In the first Office Action in the prosecution of this patent application, Claims 1-4, 6-12, 14-20, and 22-28 were rejected under 35 U.S.C. Section 102(e) as allegedly anticipated by United States Patent No. 6,301,349 to *Malik* ("Malik").

The Response to the first Office Action demonstrated *Malik* cannot be asserted as prior art against this patent application pursuant to the provisions of 35 U.S.C. Section 103(c). At the time of filing, this patent application and *Malik* were commonly owned by BellSouth Intellectual Property Corporation.

In the second Office Action, the same claims have been rejected for the same reason. The rejection is traversed again for the same reason. *Malik* cannot be asserted as prior art against this patent application pursuant to the provisions of 35 U.S.C. Section 103(c). At the time of filing, this patent application and *Malik* were commonly owned by BellSouth Intellectual Property Corporation. Thus, the rejection of Claims 1-4, 6-12, 14-20, and 22-28 under 35 U.S.C. Section 102(e) as allegedly anticipated by *Malik* fails. The withdrawal of this rejection is respectfully requested.

Traverse of Rejection Based on *Wheeler*

In the second Office Action, Claims 1, 4-6, 12-14, 20-22, and 28-29 have been rejected under 35 U.S.C. Section 102(e) as allegedly anticipated by United States Patent No. 5,583,920 to *Wheeler*, Jr. ("Wheeler"). The Office Action specifically referred to col. 32, lines 10-40 of *Wheeler*. This rejection is respectfully traversed. *Wheeler* fails to teach or suggest any of the inventions of the rejected claims.

Claim 1 relates to a communication terminated to a voice mail system (VMS) serving the subscriber, and presents a method for transferring the communication from the VMS so the VMS is no longer involved in the communication. The actions of the method are:

- A. receiving a message indicating a release of the communication by the VMS, the message also indicating at least an action to be taken with respect to the communication; and
- B. directing that the action be taken with respect to the communication....

*Wheeler* fails to teach or suggest each and every element of Claim 1. As noted, Claim 1 relates to a communication terminated to a voice mail system (VMS).

The cited lines of *Wheeler* do not refer to a VMS. Rather, *Wheeler* refers to an ~~- ARG~~ ① Intelligent Peripheral (IP). Thus, *Wheeler* does not teach nor suggest Claim 1.

In addition, *Wheeler* does not teach nor suggest at least action A of Claim 1. In that action, a message is received that indicates a release of the communication by the VMS. *Wheeler* fails to refer to an action identical to or similar to action A. Instead, *Wheeler* explains that "the IP will instruct the SSP to transfer the call to a specified destination...." *Wheeler*, col. 32, lines 15-16. *See also Wheeler*, col. 32, lines 22-23. An instruction to transfer the call is not an indication of release of the ~~- ARG~~ ② communication by a VMS as set out in Claim 1. Thus, *Wheeler* fails to teach or suggest the subject matter of Claim 1.

The other independent claims (Claims 6, 14, 22, and 26) also refer to a VMS and include subject matter comparable to action A of Claim 1. As noted, *Wheeler* does not teach nor suggest at least action A. Thus, *Wheeler* fails to teach or suggest the subject matter of Claims 6, 14, 22, and 26.

The other rejected claims (Claims 4-5, 12-13, 20-21, and 28) are dependent on one of the above-mentioned independent claims. As demonstrated above, the independent claims are allowable, and therefore, the dependent claims are allowable as well. In addition, the dependent claims are allowable for other reasons as explained below.

Response to Second Office Action  
Patent Application No.: 09/513,679

Claims 4, 12, 20, and 28 add the limitation that "the message comprises a remote operations parameter...." The cited portion of *Wheeler* does not refer to a "remote operations parameter". Thus, *Wheeler* fails to teach or suggest the subject matter of Claims 4, 12, 20, and 28.

Claims 5, 13, 21, and 29 add the limitation that "the message comprises a GR-1129 message...." The cited portion of *Wheeler* does not refer to a "GR-1129 message". Thus, *Wheeler* fails to teach or suggest the subject matter of Claims 5, 13, 21, and 29.

In sum, the rejection of Claims 1, 4-6, 12-14, 20-22, and 28-29 fails because *Wheeler* fails to teach or suggest the subject matter of these claims. Therefore, the claims are in form for allowance, and such action is respectfully requested.

Conclusion

If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact Nora Tocups at 404-372-1430.

Respectfully submitted,



Nora M. Tocups

Reg. No. 35,717.  
Attorney for the Assignee

Law Office of Nora M. Tocups, LLC  
Post Office Box 698  
Decatur, Georgia 30031  
404-372-1430  
Attorney Docket No. 0201-99017